

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO



Date: April 1st, 2008

Mr. Peter T. Dalleo
Clerk, United States District Court
4209 J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801-3519

Re: United States of America v.
José Antonio Torres

Your Case No: 07-215 (M)
Our Magistrate's Case No. 08-151 (M)

Dear Sir:

I am enclosing Magistrate's record of proceedings and a certified copy of the docket entries in above case pertaining to your district, filed in this office on March 20, 2008.

Please acknowledge receipt in the enclosed copy of this letter.

Very truly yours,

FRANCES RÍOS DE MORÁN
Clerk of the Court

Jyoti Mehta-López
By: Jyoti Mehta-López
Deputy Clerk

Enclosure

CLOSED

United States District Court
District of Puerto Rico (San Juan)
CRIMINAL DOCKET FOR CASE #: 3:08-mj-00151-BJM-1
SEALED
Internal Use Only

Case title: USA v. Torres

Date Filed: 03/20/2008

Date Terminated: 03/24/2008

Assigned to: US Magistrate
Judge Bruce J. McGiverin

Defendant (1)

Jose Antonio Torres
TERMINATED: 03/24/2008

represented by **Joseph C. Laws**
Federal Public Defender's
Office
Patio Gallery Building
241 Franklin D. Roosevelt
Ave.

Hato Rey, PR 00918-2441
787-281-4927

Fax: 787-281-4899

Email: joseph_laws@fd.org

LEAD ATTORNEY

ATTORNEY TO BE

NOTICED

*Designation: Federal Public
Defender*

Certified to be a true & exact copy of the document, or, an authorized electronic docket entry on file	
FRANCES RIOS DE MORAN, CLERK	
U.S. District Court for the District of Puerto Rico	
By:	<i>Joya M. Lopez</i>
Deputy Clerk	
Date:	4/2/08

Melanie Carrillo-Jimenez
Federal Public Defender's
Office

Patio Gallery Building
241 Franklin D. Roosevelt
Ave.
Hato Rey, PR 00918-2441
787-281-4922
Fax: 787-281-4899
Email:
melanie_carrillo@fd.org
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED
Designation: Federal Public
Defender

Pending Counts

None

Disposition

**Highest Offense Level
(Opening)**

None

Disposition

Terminated Counts

None

**Highest Offense Level
(Terminated)**

None

Disposition

Complaints

None

Interested Party
Pretrial Services

Plaintiff**USA**

represented by **Carlos R. Cardona**
 United States Attorney's
 Office
 350 Carlos Chardon St.
 Suite 1201
 San Juan, PR 00918
 787-282-1876
 Fax: 787-766-5398
 Email:
 carlos.r.cardona@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE
NOTICED

Date Filed	#	Docket Text
03/20/2008	• 1	Rule 5 Documents Received as to Jose Antonio Torres (yr) (Entered: 03/24/2008)
03/20/2008	•	Arrest of Jose Antonio Torres in Puerto Rico. (yr) (Entered: 03/24/2008)
03/20/2008	• 2	*RESTRICTED* CJA 23 Financial Affidavit by Jose Antonio Torres (yr) (Entered: 03/24/2008)
03/20/2008	• 3	Minute Entry for proceedings held before US Magistrate Judge Bruce J. McGiverin: Initial Appearance as to Jose Antonio Torres held on 3/20/2008. Deft was interviewed by PTS, given copy of the complaint (w/o affidavit), and advised of the charges and as to his rights. FPD appointed. Removal/ID/Detention Hearing are set for 3/24/2008 at 2:00 PM before US Magistrate Judge Bruce J. McGiverin. Deft remains

		detained pending hearing. (SAUSA Carlos Roldan. PTS Angel Meaux. INT Tommy Kavelin. CR N/A. CD Jyoti Mehta.) (jm) (Entered: 03/24/2008)
03/20/2008	•4	ORDER OF TEMPORARY DETENTION as to Jose Antonio Torres . Signed by US Magistrate Judge Bruce J. McGiverin on 3/20/2008.(jm) (Entered: 03/24/2008)
03/20/2008	•5	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Jose Antonio Torres. Joseph C. Laws for Jose Antonio Torres appointed. Signed by Clerk on 3/20/2008.(jm) (Entered: 03/24/2008)
03/24/2008	•6	NOTICE OF ATTORNEY APPEARANCE: Melanie Carrillo-Jimenez appearing for Jose Antonio Torres (jm) (Entered: 03/24/2008)
03/24/2008	•7	WAIVER of Rule 5 Hearings by Jose Antonio Torres (jm) (Entered: 03/24/2008)
03/24/2008	•8	Minute Entry for proceedings held before US Magistrate Judge Bruce J. McGiverin: Removal/ID/Detention Hearing as to Jose Antonio Torres held on 3/24/2008. Deft waived the identity hearing but reserves the right to have a preliminary and detention hearing in the District of Delaware. The Court ordered that the deft be removed to the District of Delaware forthwith. Deft is to remain detained until removed by the USM. Commitment to Another District to be issued. Defense counsel stated for the record that there exists a conflict of interest in the FPD's legal representation of this deft and of deft Sharon G. Aguayo-Rivera in case 08-150 (M). It is noted for the record that both defts will need separate counsel for further proceedings. (SAUSA Carlos Roldan. AFPD Joannie Plaza. INT Tommy Kavelin. CR FTR. CD Jyoti Mehta.) (jm) (Entered: 03/24/2008)
03/24/2008	•9	COMMITMENT TO ANOTHER DISTRICT as to

		Jose Antonio Torres. Defendant committed to District of Delaware. Signed by US Magistrate Judge Bruce J. McGiverin on 3/24/2008.(jm) (Entered: 03/25/2008)
03/24/2008	●	(Court only) ***Terminated defendant Jose Antonio Torres, pending deadlines, and motions. (jm) (Entered: 04/02/2008)
03/24/2008	●	(Court only) ***Case Terminated as to Jose Antonio Torres (jm) (Entered: 04/02/2008)
03/25/2008	●	(Court only) Copy of DKT entries and PDF copy of Commitment to Another District sent by e-mail to USA, FPD, USM and PTS. S/C of DKT 9 sent to USM. (jm) (Entered: 03/25/2008)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RECEIVED AND FILED
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

TM
2008 MAR 20 AM 11:28

UNITED STATES OF AMERICA,

Plaintiff,

v.

FILED UNDER SEAL

08-151 (M)

JOSE ANTONIO TORRES,

Defendant.

Case No. 07-215M

2007 OCT 29 PM 2:26
CLERK'S OFFICE
U.S. DISTRICT COURT
OF DELAWARE

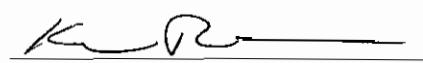
MOTION AND ORDER FOR ARREST WARRANT

NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Keith M. Rosen, Assistant United States Attorney, and hereby moves this Honorable Court to issue a warrant for the arrest of the above-named defendant, based upon the Criminal Complaint issued on October 29, 2007, because the defendant has not yet been apprehended on that Complaint.

Respectfully submitted,

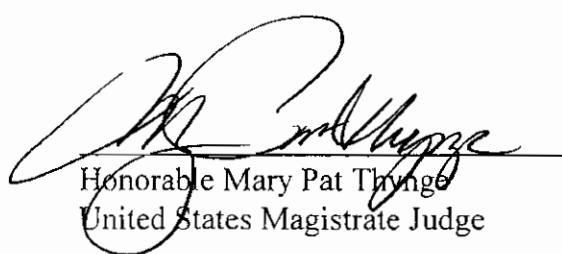
COLM F. CONNOLLY
United States Attorney

BY:


Keith M. Rosen
Assistant United States Attorney

Dated: October 29, 2007

AND NOW, to wit, this 29 day of October, 2007, upon the foregoing Motion, IT IS HEREBY ORDERED that a warrant for the arrest of the defendant be issued.


Honorable Mary Pat Thyng
United States Magistrate Judge

10/29/07

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

: **SEALED**

Plaintiff,

v.

: Case No. 07-215M

JOSE ANTONIO TORRES,

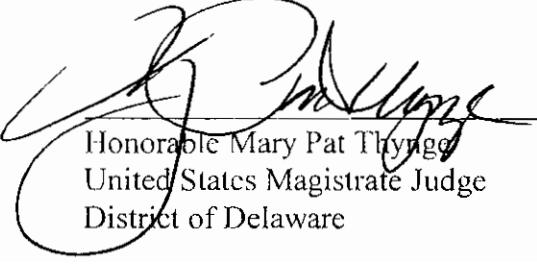
Defendant.

ORDER

AND NOW this 26 day of October, 2007, based upon the government's Motion, **IT IS HEREBY ORDERED** that the Criminal Complaint, Arrest Warrant, Motion for Arrest Warrant, Motion to Seal, this Order, and related file be **sealed** until further Order of the Court; with the exception that the file may be unsealed for the limited purpose of entering the arrest warrant into the NCIC system by the United States Marshals Service.

CLERK US DISTRICT COURT
DISTRICT OF DELAWARE

2007 OCT 29 PM 2:26


Honorable Mary Pat Thynge
United States Magistrate Judge
District of Delaware

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA, : FILED UNDER SEAL
Plaintiff, :
v. : Case No. 07-215M
JOSE ANTONIO TORRES, :
Defendant. :
:

MOTION TO SEAL

NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Keith M. Rosen, Assistant United States Attorney, and hereby moves this Honorable Court to seal the Criminal Complaint, Motion for Arrest Warrant, Arrest Warrant, this Motion and Order to Seal, and the related ~~He in~~ ^{2007 Oct 29 PM} ~~He in~~ ²⁶ Motion for Arrest Warrant, Arrest Warrant, this Motion and Order to Seal, and the related ~~He in~~ ^{2007 Oct 29 PM} ~~He in~~ ²⁶ the above-captioned case until further Order of the Court, as the defendant has not yet been apprehended; with the exception that the file may be unsealed for the limited purpose of entering the arrest warrant into the NCIC system by the United States Marshals Service. A proposed Order is attached.

COLM F. CONNOLLY
United States Attorney

BY:


Keith M. Rosen
Assistant United States Attorney

Dated: October 29, 2007

UNITED STATES DISTRICT COURT
FOR THE District of **PUERTO RICO**

UNITED STATES OF AMERICA

V.

**ORDER OF TEMPORARY DETENTION
 PENDING HEARING PURSUANT TO
 BAIL REFORM ACT**

JOSE ANTONIO TORRES

Defendant

Case Number: 08-151 (M)

Upon motion of the GOVERNMENT, it is ORDERED that a
 REMOVAL AND
 DETENTION hearing is set for MARCH 24, 2008 * at 2:00 P.M.
Date *Time*

before BRUCE McGIVERIN, U.S. MAGISTRATE JUDGE
Name of Judicial Officer

4th FLOOR, FEDERAL BUILDING, CHARDÓN AVE., HATO REY
Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal) (

) and produced for the hearing.

Other Custodial Official

Date: MARCH 20, 2008

s/ Bruce J. McGiverin

BRUCE McGIVERIN, U.S. MAGISTRATE JUDGE

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. § 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. § 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,
Plaintiff,

v

CRIMINAL NO. 08-151 (BJM)

JOSE ANTONIO TORRES,
Defendant.

NOTICE OF APPEARANCE

TO THE CLERK OF COURT AND ALL PARTIES OF RECORD:

1. Enter the appearance of the undersigned Assistant Federal Public Defender (AFPD) as counsel for defendant **José Antonio Torres**.
2. Pursuant to policy of the Federal Public Defender for the District of Puerto Rico, notice of filings, both electronic and otherwise, are requested to be made jointly to the AFD assigned to the case and to the Federal Public Defender, Mr. Joseph C. Laws, Jr.

In San Juan, Puerto Rico, on the 24th day of March, 2008.

**JOSEPH C. LAWS, JR.
Federal Public Defender
District of Puerto Rico**

S/MELANIE CARRILLO-JIMENEZ
MELANIE CARRILLO-JIMENEZ
Assistant Federal Public Defender
USDC-PR 225107
241 F.D. Roosevelt Avenue
San Juan, PR 00918-2305
Phone No. (787) 281-4922
Melanie_Carrillo@fd.org

USA v. JOSE ANTONIO TORRES
Criminal No. 08-151 (BJM)

Page 2

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

In San Juan, Puerto Rico, this 24th day of March, 2008.

JOSEPH C. LAWS, JR.
Federal Public Defender
District of Puerto Rico

S/MELANIE CARRILLO-JIMENEZ
MELANIE CARRILLO-JIMENEZ
Assistant Federal Public Defender
USDC-PR 225107
241 F.D. Roosevelt Avenue
San Juan, PR 00918-2305
Phone No. (787) 281-4922
Melanie Carrillo@fd.org

RECEIVED AND FILED
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR
JM

UNITED STATES DISTRICT COURT

DISTRICT OF _____

2008 MAR 24 PM 2:22

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

Jose Antonio Torres

Defendant

CASE NUMBER: 08-151CHARGING DISTRICTS
CASE NUMBER: _____

I understand that charges are pending in the _____ District of Delaware
 alleging violation of 42 USC 408 (a)(7)(C) and that I have been arrested in this district and
 (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

identity hearing
 preliminary hearing
 identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

March 24, 2008

Date

Jose Antonio Torres
 Defendant

RL

Defense Counsel

X/RL

UNITED STATES DISTRICT COURT

FOR

District of

PUERTO RICO

UNITED STATES OF AMERICA
V.
JOSE ANTONIO TORRESCOMMITMENT TO ANOTHER
DISTRICT

DOCKET NUMBER		MAGISTRATE/JUDGE CASE NUMBER	
District of Arrest	District of Offense	District of Arrest	District of Offense
PUERTO RICO	DISTRICT OF DELAWARE	08-151 (M)	07-215 (M)

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

 Indictment Information Complaint Other

charging a violation of 18 U.S.C. § 371, 1028(a)(2), (3), (7) and (8); 42 USC § 408(a)(7)(C)

DISTRICT OF OFFENSE

DISTRICT OF DELAWARE

DESCRIPTION OF CHARGES:

Defendant did knowingly transfer five or more identification documents, knowing that such documents were stolen or produced without lawful authority, with the intent to commit, aid, and abet, or in connection with, an unlawful activity that constitutes a violation of Federal law.

CURRENT BOND STATUS:

Bail fixed at _____ and conditions were not met
 Government moved for detention and defendant detained after identity/removal hearing in District of Arrest
 Government moved for detention and defendant detained pending detention hearing in District of Offense
 Other (specify) Defendant waived detention hearing in District of Arrest but reserves right to detention hearing in District of Offense.

Representation: Retained Own Counsel Federal Defender Organization CJA Attorney NoneInterpreter Required? No Yes Language: SPANISH

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant forthwith with a certified copy of this commitment to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

3/24/2008

Date

s/ Bruce J. McGiverin

U.S. Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL	